

PREA Policy (Prison Rape Elimination Act of 2003)

Policy

SteppenStone Youth Treatment Services is committed to a zero-tolerance policy for incidents of sexual abuse/harassment/assault/misconduct or rape and the failure of “duty to report” such incidents. SteppenStone Youth Treatment Services (SSYTS) shall also be committed to reducing the risk of abuse, assault and misconduct by providing employees and youth with guidelines and training on prevention, detection, response, investigation and education to create a culture that discourages such incidents. SSYTS shall ensure that any sexual abuse/ harassment/ assault/ misconduct or rape between youth, employees, volunteers, visitors, contractors or between youth on youth regardless of consensual status is prohibited and subject to termination and/or criminal actions.

Authority

Prison Rape Elimination Act of 2003, *Juvenile Standards Documentation Requirements*, 1-5p.
State of Tennessee Department of Children’s Services administrative policies 18.8

The following outline describes the institutional plan for SteppenStone Youth Treatment Services and how the agency implements its PREA policy:

Assessment Process

The Assessment, Checklist and Protocol for Behavior and Risk for Victimization (form CS-0946) will be administered to all clients within seventy-two (72) hours of admission. The Case Manager, who has been appropriately trained, will administer the assessment. Clients who are identified as vulnerable for at-risk sexual victimization or identified as having the potential to victimize/perpetrate, especially in regards to sexual aggressive behavior, will have completed by a Case Manager an At-Risk Protocol to ensure appropriate actions are taken to decrease the risk of sexual victimization.

- Clinical staff will develop appropriate treatment interventions that include further assessments or screenings by a mental health professional for identified children/youth prior to assigning the child/youth to a program, education, work, housing unit, or bed to decrease the risk of sexual victimization/perpetration.
- If further screening or assessments indicates that a child/youth has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, designated staff ensures that the child/youth is offered a follow-up meeting with a medical or mental health practitioner within fourteen (14) days of the intake screening.
- If the screening indicates that a child/youth has previously perpetrated sexual abuse/assault/misconduct/harassment, whether it occurred in an institutional setting or in the community, designated staff ensure that the information has been reported to the Child Protective Services and treatment services are provided by the youth’s mental health practitioner.

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Searches

Searches may be conducted of youth and their personal property, including living quarters, when deemed necessary to ensure the safety of the youth and others. Staff shall use the least invasive search techniques appropriate to the situation. All searches are conducted in a manner that preserves the dignity of the youth. For details of search protocol followed by all; the facilities of SteppenStone Youth Treatment Services refer to ***DCS Administrative Policies and Procedures 31.4.***

- a. The facility shall not conduct cross-gender strip searches or cross-gender visual body cavity searches. In exigent circumstances youth will be taken to a medical practitioner if there is need for a body cavity search to be completed.
- b. The agency shall not conduct cross-gender pat-down searches except in exigent circumstances. An adult witness will be present whenever possible.
- c. The facility shall document all cross-gender pat-down searches.
- d. The facility enables residents to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing them. Staff of the opposite gender are to announce their presence when entering a resident housing unit. In facilities (such as group homes) that do not contain discrete housing units, staff of the opposite gender shall be required to announce their presence when entering an area where residents are likely to be showering, performing bodily functions, or changing clothing.
- e. The facility shall not search or physically examine a transgender or intersex resident for the sole purpose of determining the resident's genital status. If the resident's genital status is unknown, it may be determined during conversations with the resident, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.
- f. The agency shall train staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex residents, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

Client Placement

If a client is placed on high risk status, it may only be because of other least restrictive measures are inadequate for keeping the client and others safe. If high risk is found to be used for a period of time, then SteppenStone shall not deny the client exercise and any educational programming, including special education services. He shall also receive daily visits from a medical or mental health clinician. The client shall have access to other programs and work opportunities to the extent possible.

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Gay, bisexual, transgender, or intersex residents are not to be placed in separate housing based on the client's identification status or with the assumption that the client would be sexually abusive to others.

In deciding a housing assignment for each transgender, SteppenStone will consider placement to ensure the residents health and safety. For any transgender clients who are residents for longer than 6 months, it shall be reassessed at least twice a year to review any threats to safety experienced by the resident.

If any resident is separated due to the above stated reasons, then it shall be documented as to why the concern for the client's safety and the reason why no alternative means can be arranged.

Client Notification / Acknowledgement of PREA

During the intake process all clients will receive written and verbal information about sexual abuse/ harassment/ assault/ misconduct or rape and mandatory reporting requirements.

Written and verbal information on PREA will be provided to the client within 48 hours of arrival at SteppenStone Youth Treatment Services and will include but not limited to:

1. SteppenStone Youth Treatment Services Zero-Tolerance Policy regarding PREA;
2. Prevention / Intervention
3. Self-protection and how to avoid risky situations'
4. Consequences for engaging in any type of sexual activity while at SSYTS;
5. How to obtain medical, mental health treatment and counseling;
6. Steps of how to safely report sexual abuse/ harassment/ assault/ misconduct or rape such as:
 - a. Reporting the abuse incident directly to DCS Central intake office or CPS by calling 1-877-237-0004
 - b. Reporting the abuse incident to a facility personnel
 - c. Filing a grievance; and/or
 - d. Reporting the abuse incident to their attorney.

All clients are required to sign the Youth Acknowledgement and Notification of Prison Rape Elimination Act (PREA) form to acknowledge they have been informed and notified of PREA and how to report incidents of sexual abuse/ harassment/ assault/ misconduct or rape.

- Copies of the signed form will be provided to the youth's parents or guardians or Family Service Worker.
- The original signed form will be maintained in the youth's case file.

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Youth with disabilities or who are limited English proficient.

- Disabled youth are provided equal opportunity to participate in or benefit from all aspects of the facility's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.
- Youth with limited English proficiency are provided equal opportunity to participate in or benefit from all aspects of the facility's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.
- Youth are prohibited from serving as interpreters, readers or other assistants.
- Certified interpreters or translators are found through searching sites such as tncourts.gov and Interpreters Unlimited for service providers in the East Tennessee region.
- The service of an interpreter or translator is offered at no financial cost to the youth or their family.

Reporting Procedures

SteppenStone Youth Treatment Services employees must immediately report any knowledge, suspicion, or information received regarding an incident, alleged or detected incidents of sexual abuse/ harassment/ assault/ misconduct or rape.

Allegations of sexual abuse/ harassment/ assault/ misconduct or rape are referred for investigation to an agency with the legal authority to conduct criminal investigations such as Child Protective Services (CPS), the City Police or County Sheriff's Department (based on jurisdiction in relation to location of SSYTS facilities), unless the allegation does not involve potentially criminal behavior. All allegations of abuse are reported to CPS and they will determine if further measures need to be taken. Legal guardians are also notified of such incidents.

All reports made verbally, in writing, anonymously, and from third parties shall be accepted by staff, promptly documented, and forwarded to the appropriate administrative staff.

Abuse Hotline numbers are posted throughout the campus for clients, staff and visitors. Clients also have the right to access his attorney or legal representation with reasonable and confidential access and with reasonable access to his parents or legal guardian(s).

The following steps are to be followed when reporting:

1. Duty to Report – As per Tennessee Code Annotated 37-1-403 and 37-1-605 Pursuant to TCA 37-1-403 and 37-1-605, any person who has knowledge of or is called upon to assist any child/youth who is being sexually abused, sexually assaulted or sexually harassed has the duty to report such abuse. In terms of PREA standards, this duty to report includes but is not limited to any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency. Staff members may have this knowledge

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by any means including personal witness or reports made verbally, in writing, anonymously, by third parties or by any other means and must in all cases be reported.

2. All allegations of sexual abuse must be reported immediately to the **DCS Child Abuse Hotline at 1-877-237-0004**. In order to provide for immediate action to be taken to assure resident safety, to preserve any evidence, and for immediate reporting to the Department of Children's Services Quality Assurance Division, any staff member observing or having knowledge of any abuse or neglect must report it to their shift supervisor, PREA Coordinator and/or the Executive Clinical Director concurrent with making the report to DCS.
3. Failure to comply with "duty to report" requirements will result in disciplinary action up to and including termination and/or criminal charges.
4. Residents may report allegations of sexual abuse, assault, misconduct, and/or harassment internally or externally to a public or private entity or office that is not part of the agency. This includes but may not be limited to:
 - a. Local law enforcement agencies and may remain anonymous upon request
 - b. Department of Children's Services Family Services Workers
 - c. **DCS Child Abuse Hotline at 1-877-237-0004**
 - d. Their Attorney or Guardian ad Litem
5. Third parties, including parents, advocates, other residents, or any other person may report allegations of resident sexual abuse or sexual harassment internally by contacting any staff member or by filing an emergency grievance. It is suggested that in order to provide for immediate action, the third party directly contact the Executive Director or the PREA Coordinator at 1-423-257-6054 and notifying the person answering the telephone that the situation is an emergency. This information shall be provided in the parent letter.
6. Child Protective Services (CPS) will conduct all investigations, at this time, SteppenStone staff will not question or interview either the alleged perpetrator and/or alleged victim. If deemed necessary, the Department of Children's Services will make referrals to the Children's Advocacy Center or local law enforcement to complete forensic interviews.
7. The PREA Coordinator, or designee, shall offer any resident who experiences sexual abuse access to forensic medical examinations by a Sexual Assault Forensic Examiner (SAFE) or a Sexual Assault Nurse Examiner (SANE) examiner, if possible. If the specific examiners are not available, then a qualified medical practitioner is required to perform this exam. This shall be documented.
8. The agency shall make an attempt to provide the victim with a victim advocate from the rape crisis center or someone within the clinical team of SteppenStone that the youth feels safe with. All efforts of the staff shall be documented.
9. The PREA Coordinator, Executive Director and/or Clinical Director, or designated staff is responsible for contacting Department of Children Services, Department of Mental Health and any insurance company providers (if applicable) when they are required to be notified.

Failure to report incidents of sexual abuse/ harassment/ assault/ misconduct or rape will result in termination and/or criminal charges. Reporting of false information, whether verbal or

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written, encouraging, aiding, counseling or procuring another to report is considered a Class E Felony. A report made in good faith upon reasonable belief of the alleged incident will not constitute a false report and may not be used as grounds for disciplinary action.

SteppenStone Youth Treatment Services will ensure that the name of the person or persons reporting the allegation is kept confidential, and revealing any information related to the sexual abuse report is shared only to the extent necessary. Necessary reporting includes staff who are developing treatment, guardians, people involved in the investigation, and other security or management decisions.

If a SteppenStone staff becomes aware of an allegation of sexual abuse from another facility, the staff is required to report this information to the PREA Coordinator and/or Executive Director and Clinical Director. The Executive Director is required to notify, within 72 hours, the head of the facility that the client reported the allegations of abuse were reported to have occurred and shall also notify the DCS Child Abuse hotline. This communication shall be documented.

Response to allegations of sexual abuse:

In response to an allegation of sexual abuse, a written plan will be enacted as follows:

1. Upon receiving notice of an incident of sexual abuse by a resident, or if an employee witnesses or unexpectedly encounters an assault taking place, the employee will:
 - a. Ensure the resident is safe and kept separated from the perpetrator;
 - b. Immediately notify their Supervisor;
 - c. Secure the incident area, not allowing anyone (residents, staff members, or others) to enter the area until law enforcement or Child Protective Services indicates that this is no longer necessary;
 - d. If the abuse or assault took place within a time period in which physical evidence may be present, request that the alleged victim does not change clothes, shower, wash, brush teeth, rinse mouth, eat, drink, or use the toilet until after law enforcement arrives and determines that all physical evidence is obtained in connection with the violation;
 - e. Call local law enforcement;
 - f. Report the incident to the Department of Children's Service Child Protective Services **DCS Child Abuse Hotline at 1-877-237-0004;**
 - g. Notify the PREA Coordinator and Executive Clinical Director;
 - h. Notify other DCS, Licensing, Insurance personnel as appropriate
 - i. Wait for law enforcement and DCS Child Protective Services to arrive and investigate. Do not perform any investigation, (do not interview the alleged victim or alleged perpetrator other than to gain information necessary to make the report to Child Protective Services and law enforcement, do not attempt to collect any evidence, and do not perform any other form of investigation), as this is prohibited and is only to be performed by law enforcement and DCS Child Protective Services.
 - j. SSYTS staff will notify the facility's mental health clinician of the incident of sexual

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abuse and the need for provision of victim support and possible emergent trauma-related care in the interim. The mental health clinician will arrange to provide such support and care, unless the resident is immediately removed from the program and placed in another care setting.

2. Upon learning that a resident is subject to a substantial risk of imminent sexual abuse, staff members on duty shall take immediate action to protect the resident. This will include but not be limited to separating the resident from any potential perpetrator of abuse or perpetrator of harassment about reporting imminent abuse, providing protection as needed, and notifying the Executive Clinical Director or designee for further instruction.
3. Refer to Protocol-First Responder Guidelines for Sexual Assault for guidelines on responding to sexual assaults.
4. The resident shall be taken to the local hospital emergency room (Johnson City Medical Center preferred) for examination, collection and preservation of evidence, and treatment. Staff members shall document this in the Serious Incident Report.
5. If the resident refuses medical treatment recommended by Child Protective Services or law enforcement, the staff member to whom the resident verbalizes the refusal or to whom CPS, law enforcement, or medical personnel communicate the refusal shall complete documentation on form CS-0000 PREA Refusal of Medical Treatment, documenting that medical treatment was offered to the resident whether the offer for medical treatment was:
 - a. Refused by the resident, or
 - b. Accepted by the resident but refused to be examined after arriving at a medical facility.
6. SSYTS shall offer medical and mental health evaluation, access to emergency medical treatment and crisis intervention services, and treatment to all residents who have been victimized by sexual abuse in a timely manner. Treatment services will be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation related to the incident. The evaluation and treatment shall include adjustment to their treatment plans, follow-up services, and referrals for continued care as necessary.
7. SSYTS shall offer ongoing medical and mental health services to sexual abuse victims and abusers.
 - a. SSYTS shall offer medical and mental health evaluation and, as appropriate, treatment to all residents who have been victimized by sexual abuse for the length of time that they remain in any of the agency's facilities.

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- b. The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, referrals for continued care following their transfer to, or placement in other facilities, or their release from custody.
 - c. SSYTS shall provide such victims with medical and mental health services consistent with the community level of care.
 - d. Resident victims of sexual abuse shall be offered tests for sexually transmitted infections as medically appropriate.
 - e. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation related to the incident.
 - f. SSYTS shall conduct a mental health evaluation of all known youth-on-youth abusers within 7 days of learning of such abuse history and make adjustments to their treatment plans, follow-up services, and referrals for continued care as necessary.
8. No resident will be denied access to treatment resources and/or services for failing to fully disclose details to internal investigators, outside law enforcement investigators, and/or medical/mental health staff.
 9. SSYTS shall discipline a resident that remains in the program for having sexual contact with staff only upon a finding that the staff member did not consent to such contact.

Retaliation

The possibility of retaliation or negative consequences for reporting sexual abuse/ harassment/ assault/ misconduct or rape will not be tolerated and may result in disciplinary action up to and including termination. Residents or staff who report or cooperate with investigations shall be free from retaliation by other residents or staff. SSYTS will assign staff members to monitor for retaliation if the incident is client to client.

- For a period of ninety (90) days following a report, the Executive Director or designee will appoint a staff member on site to monitor the treatment of the resident or staff that made a report, and the resident who was reported to be abused, to identify attempts at retaliation or negative consequences and will act immediately to remedy any such actions. Monitoring will include, but not be limited to:
 1. Resident disciplinary reports or room changes
 2. Negative performance reviews or staff reassignments
 3. Periodic status checks of residents
- SSYTS will continue monitoring beyond ninety (90) days if evidence indicates a continued need.
- If any individual involved in a report expresses fear of retaliation, SSYTS will take appropriate measures to protect that individual.
- SSYTS responsibility to monitor will terminate if the allegation is unfounded.

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Reporting to Youth

All outcomes of the allegation, should be reported to the client as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. Any investigation reports shall be documented.

- If the facility did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the youth.
- Following a juvenile's allegation that a staff member has committed sexual abuse against the youth, the agency shall inform the youth (unless the agency has determined that the allegation is unfounded) whenever:
 - a. The staff member is no longer posted within the juvenile's unit;
 - b. The staff member is no longer employed at the facility;
 - c. The agency learns that the staff member has been indicted or convicted on a charge related to sexual abuse within the facility;
- Following a youth's allegation that he or she has been sexually abused by another youth, the agency shall subsequently inform the alleged victim whenever:
 - a. The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
 - b. The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
- All such notifications or attempted notifications shall be documented.

Interventions and Disciplinary Actions for Youth

A resident may be subject to disciplinary action only in the event that it is determined the youth engaged in youth-on-youth sexual abuse or following a criminal finding of guilt for youth-on-youth sexual abuse.

- a. Any disciplinary actions shall correspond to the nature and circumstances of the acts committed and the staff member's disciplinary history. In the event a disciplinary action results in the separation of a resident from his peers (High Risk status), SSYTS shall not deny the resident daily large-muscle exercise or access to any legally required educational programming or special education services. Residents on High Risk status shall receive daily visits from a medical or mental health care clinician. Residents shall also have access to other programs and work opportunities to the extent possible.
- b. The disciplinary process shall consider whether a resident's mental disabilities or mental illness contributed to his or her behavior when determining what type of action, if any, should be imposed.

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- c. SSYTS offers therapy, counseling, and other interventions designed to address and correct underlying reasons or motivations for abusive behaviors. SSYTS shall consider whether to offer the offending resident participation in such interventions including what level of participation. SSYTS may require participation in such interventions as a condition of access to any rewards-based behavior management system or other behavior-based incentives, but not as a condition to access to general programming or education.
- d. SSYTS may discipline a resident for sexual contact with staff only upon a finding that the staff member did not consent to such contact.
- e. For the purpose of disciplinary action, a report of sexual abuse made in good faith shall not be considered false reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.
- f. SSYTS prohibits all sexual activity between residents and may discipline residents for such activity. SSYTS recognizes that such activity does not constitute sexual abuse if it is determined that the activity is not coerced, manipulated or forced.

Grievance Procedure on Alleged Sexual Abuse

In compliance with PREA, SteppenStone Youth Treatment Services shall not impose time limits on submitting grievances regarding sexual abuse or an alleged incident of sexual abuse or require a formal grievance process or otherwise attempt to resolve with staff.

Clients have the right to file grievances for instances that they feel their legal rights or freedoms have been violated. However, allegations of sexual abuse/ harassment/ assault/ misconduct or rape are not considered grievances of this nature and cannot be handled in the same manner. All allegations are directly reported to the Department of Children's Services Abuse Hotline and investigations are directed by Child Protective Services.

Employment – Hiring & Promoting

Anyone who may or may not have direct contact with children or work with sensitive and confidential information must be free from a criminal or abuse history that could pose a safety risk to children/youth. SSYTS will not hire or promote anyone who:

- Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution;
- Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
- Has been civilly or administratively adjudicated to have engaged in the activity described above.

- a. All applicants are required to have a complete background check including:

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1. Criminal records check from local law enforcement records or county court records for all residences of the applicant within the immediate six (6) months preceding application for employment.
 2. TBI/FBI fingerprint check.
 3. Driving records check to include current valid driver license and a check of moving violations records.
 4. National Sexual Offender Registry clearance.
 5. Tennessee Department of Health Abuse Registry clearance.
 6. DCS database records check of **TFACTS** and the Social Services Management System (**SSMS**).
- b. Results from the completed background checks must be documented on form **CS-0687, Background Check History and IV-E Eligibility Checklist** or an equivalent form and filed with supporting results documentation attached in the employee's official personnel file.
- c. Annual background checks will be conducted on all employees, contractors and volunteers who have direct contact with youth. The following is a list of the documentation and background checks that must be completed annually with results maintained in the employee's personnel file:
1. Driving records including validation of current driver license and a check of moving violations records.
 2. An **Internet Records Clearance**. The internet records clearance involves a background check of the following:
 - Drug Offender Registry Clearance
 - TN Felony Offender Database Clearance
 - National Sexual Offender Registry Clearance
 - Department of Health Abuse Registry Clearance
- d. Results from all annual background checks must be documented on DCS form **CS-0687, Background Check History and IV-E Eligibility Checklist** or equivalent form.
- e. Any issues discovered in the annual check will be addressed on a case-by-case basis and may result in disciplinary action up to and including termination from employment.
- f. SSYTS shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with youth.

Employee, Contract Workers and Volunteers Training

All employees, volunteers and contracted employees, who engage with clients, will receive orientation/training during pre-service and annual refreshers on the agency's zero-tolerance policy for sexual abuse and sexual harassment. The following topics will also be included in staff training:

1. Recognizing the signs of sexual assault and understanding their responsibilities

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- under agency sexual abuse and sexual harassment prevention, detection, reporting and response policies and procedures;
2. The resident's right to be free from sexual abuse and sexual harassment;
 3. The right of residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
 4. The dynamics of sexual abuse and sexual harassment in juvenile facilities;
 5. How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between residents;
 6. How to avoid relationships with residents;
 7. How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents;
 8. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities; and
 9. Relevant laws regarding the applicable age of consent.
10. Employees properly trained will help prevent sexual assaults by:
 - a. Knowing and enforcing the rules regarding sexual conduct with youth;
 - b. Maintaining professionalism at all times; and
 - c. Treating any allegation of sexual assault seriously and follow appropriate reporting procedures.
 11. SteppenStone employees, which include residential, medical, mental health and employees, volunteers and contractors are required to sign form **CS-0940, *Employee Acknowledgement and Notification of Prison Rape Elimination Act (PREA)*** to acknowledge he or she has received training and understands the policies and procedures of PREA. This documentation shall be kept in the employee's personnel file.
 12. All Case Managers completing the intake will receive training on the Assessment, Checklist & Protocol for Behavior and Risk for Victimization.
 13. The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with residents, but all volunteers and contractors who have contact with residents shall be notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.
 14. The agency shall ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in:
 - (1) How to detect and assess signs of sexual abuse and sexual harassment;
 - (2) How to preserve physical evidence of sexual abuse;
 - (3) How to respond effectively and professionally to juvenile victims of sexual abuse and sexual harassment; and
 - (4) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
 - (b) Medical staff employed by SSYTS will not conduct forensic examinations; But will assist trained medical staff that the resident may be taken to for

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- that medical professional to conduct such examinations.
- (c) The agency shall maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere.
 - (d) Medical and mental health care practitioners shall also receive the training mandated for employees under § 115.331 or for contractors and volunteers under § 115.332, depending upon the practitioner's status at the agency.
 - (e) Training resources are available through webinars including but not limited to the following:
 - a. **Module 1:** Detecting and Assessing Signs of Sexual Abuse and Harassment
 - b. **Module 2:** Forensic Evidence Preservation
 - c. **Module 3:** How to Respond Effectively and Professionally to Victims of Sexual Abuse and Sexual Harassment During Incarceration
 - d. **Module 4:** Reporting and the PREA Standards
15. Documentation of training will be maintained for Employee Training, Volunteer & Contractor Training, Resident Education, Specialized Investigation Training, Specialized training for Medical & Mental Health Care and obtaining information from residents.

Supervision & Monitoring

In order to ensure the safest facility, Intermediate-level or higher-level supervisors of SteppenStone Youth Treatment Services will conduct and document random unannounced visits during both day and night shifts to identify and deter staff sexual abuse/ harassment/ assault/ misconduct. Staff are strictly prohibited from alerting other staff members that these supervisory rounds are occurring, unless the announcement is due to a legitimate operations function at the facility. Failure to comply will result in disciplinary action up to and including termination.

Following a resident's allegation that a staff member has committed sexual abuse against the resident, SSYTS shall take one of the following actions until Child Protective Services has determined that the allegation is unfounded;

- a. The staff member is no longer posted within the resident's unit (during the investigation, the staff member shall not be in any area with the resident without being directly supervised);
- b. The staff member is placed on administrative leave during the investigation;
- c. The staff member is no longer employed at the facility.

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Staff shall be subject to disciplinary action up to and including termination for violating agency sexual abuse or sexual harassment policies.

- a. Disciplinary actions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall correspond to the nature and circumstances of the acts committed and the staff member's disciplinary history.
- b. All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

Staffing Plans

To ensure that SteppenStone operates with adequate levels of staff to protect residents from sexual abuse, the management team shall take the following considerations into place.

- a. Generally accepted residential practices as outlined in DCS policy;
- b. Any judicial findings of inadequacy;
- c. Any findings of inadequacy from Federal investigative agencies;
- d. Any findings of inadequacy from internal or external oversight bodies;
- e. All components of the facility's physical plan (including blind spots or areas of isolation for residents and/or staff);
- f. The composition of the residential population;
- g. The number and placement of supervisory staff;
- h. Institution programs occurring on a particular shift;
- i. Any applicable State or local laws, regulations, or standards;
- j. The prevalence of substantiated and unsubstantiated incidents of sexual abuse;
and
- k. Other relevant factors.

Staffing ratios are outlined under policy XVII, which sets forth a direct care staff ratio of 1:5 during the day and evening hours and 1:8 during the night time hours in the Residential Treatment Unit. Staff ratio of 1:9 during the day, evening and night hours in Group Home and Family Boarding Home settings will be followed. If at any time the staffing plan is deviated from due to exigent circumstances, it shall be fully documented the deviations from the plan during such circumstance.

The PREA Coordinator will ensure that each facility assesses, determines and documents any adjustments to:

- a. Staffing plan established earlier
- b. Prevailing staffing patterns
- c. Facilities deployment of video monitoring systems and other monitoring technologies, if applicable; and
- d. The resources the facility has available to commit to ensure adherence to the staffing plan.

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Incident Review

The incident review will be completed by a committee comprised of the following but not limited to the immediate Supervisor, Direct Care Manager, Operations Manager, Human Resources, Nursing personnel and Clinical Coordinator.

- A sexual abuse incident review shall be conducted at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation was unfounded.
- The review shall ordinarily occur within 30 days of the conclusion of the investigation.
- The review team shall:
 - a. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
 - b. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or, gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
 - c. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
 - d. Assess the adequacy of staffing levels in that area during different shifts;
 - e. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
 - f. Prepare a report of its findings, make recommendations for improvement and submit the report to the PREA Coordinator and members of Leadership.
- The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.

Data Collection, Review & Storage

1. Data Collection

SteppenStone Youth Treatment services will collect accurate, uniform data for every allegation of sexual abuse at its facilities from all available incident-based documents, including Serious Incident Reports, investigation files, and sexual abuse incident reviews.

- a. The PREA Coordinator will record, maintain, review, and collect data using a data collection form.
- b. Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.
- c. The PREA Coordinator will present sexual abuse data for the previous quarter in each quarterly Performance Improvement Team committee meeting. Aggregated data will be included in the Annual Risk Assessment.
- d. Upon request, SSYTS will provide all such data from the previous calendar year to the Department of Children's Services.

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2. Date Review for Corrective Action

- a. SSYTS will review data collected and aggregated data pursuant to PREA standard 115.387 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training including:
 - o Identifying problem areas;
 - o Taking correction action on an ongoing basis;
 - o Preparing an annual report of its findings and correction actions for the agency.
- b. The report for SSYTS will be approved by the Executive Director and made readily available to the public through inclusion in the Performance Improvement Annual Report and the SSYTS website.
- c. SSYTS may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of the facility, but will indicate the nature of the material redacted.
- d. SSYTS will make all aggregated sexual abuse data available to the public at least annually through its website.

3. Data Storage, Publication, and Destruction

- a. SSYTS will ensure that data collected pursuant to PREA standard 115.387 are securely retained.
- b. SSYTS will make all aggregated sexual abuse data for its programs readily available to the public at least annually through its website or other means.
- c. Before making aggregated sexual abuse data publicly available, SSYTS will remove all personal identifiers.
- d. SSYTS will maintain sexual abuse data collected pursuant to PREA Standard 115.387 for at least ten (10) years after the date of its initial collection unless Federal, State, or local law requires otherwise.

Glossary

Term	Definition
<i>Abusive sexual contacts:</i>	Contact of any person without his or her consent, or of a person who is unable to consent or refuse; and intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of any person.
<i>Congregate care:</i>	Congregate care is designed to meet the needs of children/youth that are unable to live at home or in a foster family and require temporary care in a group or residential setting. Congregate care provides structure, counseling/therapy, behavioral intervention

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	and other services identified in a child’s permanency plan for children with moderate to severe clinical needs.
Contractors:	Any person or corporation, other than an employee, providing any service to the YDC (<i>i.e.</i> , food services, medical, dental and mental health services, <i>etc.</i>) for an agreed upon form of compensation. Contractors may include other local government agencies that contract with the YDC or who supervise adult inmate work crews.
Hostile work environment:	Harassment, speech or conduct that is, based on the judgment of a reasonable person, severe or pervasive enough to create a hostile or abusive work environment, based on race, religion, sex, national origin, age, disability, veteran status, or, in some jurisdictions, sexual orientation, political affiliation, citizenship status, marital status, or personal appearance.
Lesbian, Gay, Bisexual, Transgender, or Questioning (LGBTQ):	A person who identifies as Lesbian, gay, bisexual, transgender or questioning.
Non-consensual sex acts:	Contact of any person without his or her consent, or of a person who is unable to consent or refuse; and contact between the penis and the vagina or the penis and the anus including penetration, however slight; or contact between the mouth and penis, vagina, or anus; or penetration of the anal or genital opening of another person by hand, finger, or other object.
PREA Coordinator:	The PREA Coordinator is the staff person designated with the responsibilities of developing, implementing, and overseeing compliance with PREA standards.
Prison Rape Elimination Act (PREA) 2003:	PREA is the first United States federal law passed dealing with the sexual assault of prisoners. The bill was signed into law on September 4, 2003. PREA covers all adult, as well as juvenile detention facilities; the definition of prison for the purposes of the act includes "any juvenile facility used for the custody or care of juvenile inmates." U.S. Congress, within the text of PREA , noted that young, first-time offenders are at an increased risk of sexually motivated crimes. Juveniles held in adult facilities are five times more likely to be sexually assaulted than juveniles held in juvenile facilities. PREA directed the attorney general to promulgate standards for all confinement facilities including, but not limited to, local jails,

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	<p>police lockups, and juvenile facilities. See 42 U.S.C. § 15609(7). DOJ has promulgated standards for prisons and jails (28 C.F.R. §§ 115.11 – 115.93), lockups (28 C.F.R. §§ 115.111 – 115.193), residential community confinement facilities (28 C.F.R. §§ 115.211 – 115.293), and juvenile facilities (28 C.F.R. §§ 115.311 – 115.393). The Act applies to all public and private institutions that house adult or juvenile offenders and is also relevant to community-based agencies. It addresses both inmate-on-inmate sexual abuse and staff sexual misconduct.</p> <p>Additionally, on May 17, 2012, the President directed “all agencies with federal confinement facilities that are not already subject to the Department of Justice’s final rule” to develop rules or procedures that comply with PREA.</p> <p>A public agency that contracts for the confinement of its residents with private agencies or other entities, including other government agencies, include in any new contract or contract renewal the entity’s obligation to adopt and comply with the PREA standards.</p> <p>Any new contract or contract renewal provides for agency contract monitoring to ensure that the contractor is complying with the PREA standards</p>
<p>Professional Visitors:</p>	<p>Any person having access to any of the YDC/Agencies who provides a professional service to children/youth or employees, including but not limited to, attorneys, paralegals, paraprofessionals, investigators, clergy, unpaid interns, or researchers.</p>
<p>Prohibited Behaviors</p>	<p>Any behaviors that are considered to be sexual abuse, sexual assault, sexual harassment or sexual misconduct.</p>
<p>Sexual abuse:</p>	<p>Includes, but is not limited to, subjecting another person to any sexual act or contact between an employee, volunteer, contractor, or agency representative, and a youth by force, persuasion, inducement, or enticement; any sexual act or contact in which an employee, volunteer or agency representative participates or forces any youth to engage; subjecting another person who is incapable of giving consent by reason of their custodial status, physical or mental state; or rape, sexual molestation, prostitution or other form of sexual exploitation.</p>
<p>Sexual assault:</p>	<p>Any sexual touching or contact, including but not limited to rape, sodomy or unlawful touching. <i>Child sexual abuse</i> also means one or more of the following acts:</p>

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	<ul style="list-style-type: none"> ☐ Any penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen ☐ Any contact between the genitals or anal opening of one person and the mouth or tongue of another person ☐ Any intrusion by one person into the genitals or anal opening of another person, including the use of any object for this purpose ☐ Intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering them, of either the child or the perpetrator ☐ Intentional exposure of the perpetrator's genitals in the presence of a child, or any other sexual act intentionally perpetrated in the presence of a child, if such exposure or sexual act is for the purpose of sexual arousal or gratification, aggression, degradation, or other similar purpose ☐ Sexual exploitation of a child, which includes allowing, encouraging, or forcing a child to solicit for or engage in prostitution or engage in sexual exploitation.
<p><i>Sexual harassment:</i></p>	<p>Includes, but is not limited to, all of the following, whether by employees, volunteers, contractors, other agency representatives, or youth: Sexual advances; sexually offensive language, comments or gestures; influencing, promising or threatening any youth's (or employee's) safety, custody status, privacy, housing, privileges, work or program status, in exchange for personal gain or favor of a sexual nature; creating or encouraging an atmosphere of intimidation, hostility or offensiveness as perceived by any individual who observes the sexually offensive behavior or language.</p>
<p><i>Sexual misconduct:</i></p>	<p>Any behavior or act of a sexual nature directed toward a youth by an employee, volunteer, official visitor, or agency representative. Romantic relationships between employee and youth are included. Consensual or non-consensual sexual acts include: intentional touching of the genitalia, anus, groin, breast, inner thigh or buttocks with the intent to abuse, arouse, or gratify sexual desire or completed, attempted, threatened or requested sexual acts; or occurrences of indecent exposure, invasion of privacy or voyeurism for sexual gratification which is an invasion of a youth's privacy by an adult by peering at a youth in private situations outside of those required by supervisory policies, requiring a youth to expose any part of the body for any purpose except for medical treatment or searches pursuant to DCS policies, and includes indecent exposure to the youth or allowing a youth to expose</p>

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	himself or herself to an adult present in the facility. Sexual misconduct also includes, but is not limited to, conversations or correspondence that suggests a romantic relationship between and youth and any party referenced above, demeaning references to gender or sexual preference, or sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
<i>Sexualized work environment:</i>	A work environment in which the behaviors, dress, and speech of either employees and/or youth create a sexually charged workplace. Sexually explicit talk, inappropriate emails, posted cartoons, jokes, or unprofessional dress characterizes a sexualized work environment. In a sexualized work environment, often employees' off-duty behaviors, dating, and other activities intrude into the everyday work environment. In a sexualized work environment talk or actions have sexual overtones. A sexualized work environment severely erodes the professional boundaries between employees and between employee and youth.
<i>Volunteer:</i>	Any person who, by mutual agreement with the agency, provides service without compensation, or who voluntarily assists children/youth or DCS in the course of the volunteer's duties.